RECENT IMPORTANT DECISIONS

ACKNOWLEDGMENT—NOTARY AGENT OF GRANTEE—EXTRA COMPENSATION FOR SECURING ACKNOWLEDGMENT.—Where the grantee in a trust deed sent a notary, who was his "clerk, agent, and employee," to take the acknowledgment of the grantor and gave him extra compensation for securing the same, it was *Held* that the fact that the notary was an agent of the grantee and received compensation from him for securing the acknowledgment did not affect his competency to take the same. *Scott* v. *Thomas et al.* (1905), — Va. —, 51 S. E., Rep. 829.

Acknowledgments taken by the grantees in trust deeds are usually held to be insufficient, *German Am. Bank* v. *Carondelet,* 150 Mo. 570, 51 S. W. Rep. 691; *Rothschild* v. *Daughter,* 85 Tex. 332, 20 S. W. Rep. 142, 34 Am. St. Rep. 811, though the fact that the notary was related by affinity or consanguinity to the grantor or grantee would not affect his competency to take the acknowledgment, *Remington Co.* v. *Dougherty,* 81 N. Y. 474; *McAllister* v. *Purcell,* 124 N. C. 262. Where the notary is the agent of one of the parties acknowledgments taken by him have been usually upheld, *Penn* v. *Garvin,* 56 Ark. 511, though some courts hold to the contrary, *Sampler* v. *Irwin,* 45 Tex. 567. But where the amount of the agent's compensation depends on his securing the acknowledgment, as in the principal case, it has been intimated that the notary would be disqualified. *Havemeyer* v. *Dahn,* 48 Neb. 536, 58 Am. St. Rep. 706, 33 L. R. A. 332, 67 N. W. Rep. 489. A Virginia statute (Acts of 1901-2, Ch. 127) validates all prior acknowledgments taken by notaries who are trustees in the deeds acknowledged, but this statute is not referred to by the court.

ATTACHMENT OF REAL PROPERTY—CONFLICT OF JURISDICTION—FEDERAL AND STATE COURTS.—Plaintiff, in an action in a federal court against the defendant, procured the issuance of an attachment which was levied upon real estate of defendant. Pending the action, insolvency proceedings were instituted in a state court which, through receivers, took possession of defendant's property. Subsequently plaintiff recovered judgment in the federal court, and under an execution the marshal advertised the property for sale. Thereupon the state court enjoined such sale. Plaintiff now asks for an injunction restraining the receiver from continuing proceedings to enjoin the sale of the property by the marshal. *Held,* that the relief prayed for could not be granted. *Ingraham* v. *National Salt Company* (1905), C. C., E. D. N. Y., 139 Fed. Rep. 684.

The Supreme Court of the United States has frequently denied the authority of a state court to deprive a federal court of control of its own process and to draw to itself the determination of the validity of such process, where the jurisdiction of the state court was acquired after the lien of the federal court attached. *Freeman* v. *Howe,* 65 U. S. (24 How.) 450; *Buck* v. *Colbath,* 70 U. S. (3 Wall.) 334; *Lovell* v. *Heyman,* 111 U. S. 176; *Hagan* v. *Lucas,* 10 *Peters* (U. S.) 400; *Taylor* v. *Carryl,* 20 How. 583. The court in the principal case, relying upon *In re Hall & Stilson Co.* (C. C.) 73 Fed. Rep. 527, contends that, inasmuch as the attachment of real property did not give the federal